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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|------------------------|---------------------|------------------|
| 10/092.778 | 03/08/2002 | Patrick J. Fitzgibbons | 02890045AA | 2942 |

30743 7590 09/18/2003

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EXAMINER

LEE, DIANE I

| | |
|----------|--------------|
| ART UNIT | PAPER NUMBER |
|----------|--------------|

2876

DATE MAILED: 09/18/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/092,778

Applicant(s)

FITZGIBBONS ET AL.

Examiner

D. I. Lee

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 March 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) ^{Filed} Report No(s) 3/8/02.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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DETAILED ACTION

1. Claims 1-20 are presented for examination.

Specification

2. The abstract of the disclosure is objected to because of the following(s):

- (a) Line 11: "results" should be changed to --The results--.

Correction is required. See MPEP § 608.01(b).

Claim Objections

3. Claims 12 and 14 are objected to because of the following informalities:

- (a) Re claim 12: Claim 12 recites limitation "apparatus as recited in claim 1", wherein claim 1 is a method claim. It appears that applicant intended claim 12 to be depended from claim 11. Thus, **in claim 12, line 1, "claim 1" should be changed to --claim 11--**. For examining purpose, the examiner treated claim 12 as a depended claim from claim 11.

- (b) Re claim 14: Claim 12 recites limitation "Apparatus as recited in claim 1", wherein claim 1 is a method claim. It appears that applicant intended claim 14 to be depended from claim 11. Thus, **in claim 14, line 1, "claim 1" should be changed to --claim 11--**. For examining purpose, the examiner treated claim 14 as a depended claim from claim 11.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Baker et al. [US 5,862,243-referred as Baker, cited by the applicant].

Re claims 1-10 and 11-18: Baker discloses a processing apparatus including

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means for validating one of a result of a first feature discrimination technique (i.e., determining the characters the destination address on the face of a mail piece from its image) and a result of a second discrimination technique when said results correspond to each other (i.e., evaluating bar code readability, see col. 5, lines 25+);

means for validating a result of said first feature discrimination technique against expected or permitted values (i.e., performing an OCR process within predetermined amount of time slot),

means for validating result of said second feature discrimination technique against expected or permitted values (i.e., evaluating bar code readability by comparing the bar code image to bar code requirements data 52, see col. 5, lines 25+); and

means for outputting a validated value for control of a sequential selective process while rejecting only articles when either of said results is validated (see col. 7, lines 13+).

Re claims 19-20: wherein said selective sequential process is sortation of articles (see col. 7, lines 62+).

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: Meguro [JP 06-103,400], Hertz et al. [US 6,366,696], Sanner et al. [US 4,542,528], Immler et al. [US 4,538,072], McWaters et al. [US 4,408,344], and Moed [US 5,770,841] discloses a system having a bar code reader and an optical character reader.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to D. I. Lee whose telephone number is 703-306-3427. The examiner can normally be reached on Monday through Thursday from 5:30 AM to 4:00 PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on 703-305-3503. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.



D. I. Lee
Primary Examiner
Art Unit 2876

D. L.